

NOTICE OF PUBLIC HEARING

D.T.E. 03-56

June 3, 2003

Complaint of Fiber Technologies Networks, L.L.C., pursuant to G.L. c. 166, § 25A and 220 C.M.R. § 45.00 et seq. against Verizon New England, Inc. d/b/a Verizon Massachusetts, Western Massachusetts Electric Company, and Massachusetts Electric Company.

On May 14, 2003, Fiber Technologies Networks, L.L.C. ("Fibertech") filed a pole attachment complaint, pursuant to G.L. c. 166, § 25A and 220 C.M.R. 45.00 et seq., against Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon"), Western Massachusetts Electric Company ("WMECo"), and Massachusetts Electric Company ("MECo") (collectively, "the Utilities"), regarding applications for pole and conduit attachments in the municipalities of Agawam, Easthampton, Northampton, and Springfield, Massachusetts. Fibertech claims, among other things, that the Utilities improperly failed to respond to its applications for access to utility poles and conduits within 45 days and assessed unreasonable and discriminatory make-ready charges for work that was either unnecessary or was not properly attributable to Fibertech's pole attachment applications. The Utilities deny Fibertech's allegations and claim that licensing agreements between the parties preclude Fibertech's complaint and that Fibertech is not entitled to seek relief. The Department has docketed this matter as D.T.E. 03-56.

The Department will hold a public hearing to receive comments on Fibertech's complaint. The hearing will take place on Tuesday, June 24, 2003, at 11:00 a.m. at the Department's offices, One South Station, 2nd Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter. The complaint and responsive pleadings are available for inspection at the Department's offices, Monday through Friday, between the hours of 9:00 A.M. and 5:00 P.M.

Any person who desires to file written comments or to participate otherwise in this proceeding shall file an original and six (6) copies of such written comments or petition for leave to intervene in the proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, no later

than 5:00 p.m. on Friday, June 24, 2003, and serve one copy on counsel for all parties. The current service list is available from the Department.

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All written pleadings, comments, or petitions to intervene must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and Jesse.Reyes@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding, D.T.E. 03-56; (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word, (naming the document with a ".doc" suffix) or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's web site: <http://www.mass.gov/dpu>.

Any person desiring further information regarding this notice may contact:
Jesse S. Reyes, Hearing Officer, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, tel. (617) 305-3500.